IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22177 of 2004

Between:

S.Murugan S/o.Sedhudevar
Shop D.No.14-20, Nandyal Road,
Nandikotkur, Kurnool Dist.

..... PETITIONER

AND

The Station House Officer
Nandikotkur Police Station, Nandikotkur,
Kurnool Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus direct the respondent not to interfere with the lawful and rightful business activities of the petitioner without following due process of law by declaring the action of the respondent as arbitrary, illegal and violative of articles 14,19 (1) (g) and 21 of the Constitution of India..

Counsel for the Petitioner:MR.B.M.PATRO

Counsel for the Respondent : GP FOR HOME

The Court, at the stage of admission, made the following :

ORDER:

Petitioner alleges that the respondent-Station House Officer, Nandikotkur Police Station is calling him to the Police Station and harassing, without there being any complaint or without registration of any case.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Petitioner claims to have established business at Nandikotkur. He contends that even in the absence of any complaint and without registration of any case, the respondent is calling him to the Police Station and administering threats.

If the petitioner is guilty of indulging in any unlawful or objectionable activities, it shall always be open to the respondent to register a case under the relevant provisions of law, and take up the investigation in accordance with the procedure prescribed under Cr.P.C. The respondent has no right to call the petitioner to the Police Station indiscriminately and to harass him. Such action would amount to violation of fundamental rights of the citizens.

Hence, the writ petition is disposed of directing that the respondent shall not require the petitioner to attend the Police Station or otherwise harass him, unless any case is registered against the petitioner and the presence of the petitioner is required for investigation of the same. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 2nd December, 2004

Note: Office to furnish copy

by 06.11.2004

(B/o.)

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To

1 The Station House Officer
Nandikotkur Police Station, Nandikotkur,
Kurnool Dist.

2 2 CCS to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

3 2CD copies